



Legislative Bulletin.....September 20, 2005

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Summary of the Bills Under Consideration Today:

Total Number of New Government Programs: 0

Total Cost of Discretionary Authorizations: Less than \$100,00

Effect on Revenue: Increase of \$50,000

Total Change in Mandatory Spending: \$0

Total New State & Local Government Mandates: 0

Total New Private Sector Mandates: 0

Number of Bills Without Committee Reports: 7

Number of Reported Bills that Don't Cite Specific Clauses of Constitutional Authority: 0

H.R. 3761 — Flexibility for Displaced Workers Act — *as introduced* (Boustany)

Order of Business: The bill is scheduled for consideration on Tuesday, September 20, 2005, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3761 permits national emergency grant funds given to states under the Workforce Investment Act (WIA) for Hurricane Katrina relief, to be used to provide disaster relief employment on projects that provide assistance in areas outside of the disaster area. These funds are to be made available to provide disaster relief employment or public sector employment, to individuals affected by Hurricane Katrina, including those who have relocated from states in which a major disaster was declared due to the effects of Hurricane Katrina, who were unemployed at the time of the disaster or who are without employment history, in addition to individuals who are eligible for such employment under WIA. H.R. 3761 limits public sector employment to not more than six months in addition to disaster relief employment. However, the Secretary of Labor may extend the duration of employment for up to an additional six months due to “extraordinary circumstances.” Additionally, the bill allows any state to use funds that remain available for expenditure under any WIA grants awarded to the state, in order to provide assistance to workers affected by Hurricane Katrina, including workers who have relocated from states in which an emergency or major disaster was declared.

H.R. 3761 expresses the sense of Congress that:

- “States that operate mobile one-stop centers, established as part of the one-stop delivery system authorized under [WIA], should, where possible, make such centers available for use in the areas affected by Hurricane Katrina, and areas where large numbers of victims of Hurricane Katrina have been relocated; and
- “One-stop operators should increase access for individuals affected by Hurricane Katrina to the one-stop delivery system, including through the implementation of expanded operational hours at one-stop centers and on-site services for individuals in temporary housing locations.”

Committee Action: The bill was introduced on September 14, 2005, and referred to the Committee on Education and the Workforce, which took no official action.

Cost to Taxpayers: A cost estimate is not available.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: A committee report citing constitutional authority is not available.

H.R. 2132 — To extend the waiver authority of the Secretary of Education with respect to student financial assistance during a war on other military operation or national emergency — *as introduced* (Kline)

Order of Business: The bill is scheduled for consideration on Tuesday, September 20, 2005, under a motion to suspend the rules and pass the bill.

Summary: H.R. 2132 extends for two years (from September 30, 2005 to September 30, 2007), the waiver authority of the Secretary of Education with respect to student financial assistance during a war or other military operation or national emergency.

Additional Information: During times of war, the Secretary of Education is granted authority to waive or modify any statutory or regulatory provision applicable to student financial assistance programs, to ensure that, among other things:

- “recipients of student financial assistance under title IV of the Act who are affected individuals are not placed in a worse position financially in relation to that financial assistance because of their status as affected individuals;
- “administrative requirements placed on affected individuals who are recipients of student financial assistance are minimized, to the extent possible without impairing the integrity of the student financial assistance programs, to ease the burden on such students and avoid inadvertent, technical violations or defaults;”
- the calculation of ‘annual adjusted family income’ and ‘available income’, as used in the determination of need for student financial assistance be modified to mean the sums received in the first calendar year of the award year for which such determination is made, in order to reflect more accurately the financial condition of such affected individual and his or her family;
- the calculation under of the amount a student is required to return in the case of an affected individual may be modified so that no overpayment will be required to be returned or repaid if the institution has documented (i) the student’s status as an affected individual in the student’s file, and (ii) the amount of any overpayment discharged; and
- institutions of higher education, eligible lenders, guaranty agencies, and other entities participating in the student assistance programs that are located in areas that are declared disaster areas by any Federal, State or local official in connection with a national emergency, or whose operations are significantly affected by such a disaster, may be granted temporary relief from requirements that are rendered infeasible or unreasonable by a

national emergency, including due diligence requirements and reporting deadlines.

Committee Action: The bill was introduced on March 5, 2005, and referred to the Committee on Education and the Workforce, which took no official action.

Cost to Taxpayers: A cost estimate is not available.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: A committee report citing constitutional authority is not available.

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H.R. 3784 —the Higher Education Extension Act of 2005 — *as introduced* (Boehner)

Order of Business: The bill is scheduled for consideration on Tuesday, September 20, 2005, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3784 would extend, for six months, the authorization (at FY2004 levels) for the Higher Education Act of 1965 (HEA) through March 31, 2006. The authorization for HEA expires on September 30, 2005. The bill allows for flexibility in the authorization depending upon amendments to HEA enacted during FY05 or FY06.

Committee Action: The bill was introduced on September 15, 2005, and referred to the Committee on Education and the Workforce, which took no official action.

Cost to Taxpayers: A cost estimate is not available.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: A committee report citing constitutional authority is not available.

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H.R. 3765 — To extend through December 31, 2007, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits — as introduced (Baird)

Order of Business: The bill is scheduled for consideration on Tuesday, September 20, 2005, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3765 would extend through December 31, 2007, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits, which currently is set to expire.

Committee Action: H.R. 3765 was introduced on September 14, 2005, and referred to the House Committee on Transportation and Infrastructure, which took no official action.

Cost to Taxpayers: A CBO score of H.R. 3765 is unavailable, but the bill does not authorize new expenditures.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

House Rule XIII, Section 3(d)(1), requires that all committee reports contain “a statement citing the *specific* powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.” *[emphasis added]*

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H.R. 3649 — Sportfishing and Recreational Boating Safety Amendments Act of 2005 — as introduced (Young of AK)

Order of Business: The bill is scheduled to be considered on Tuesday, September 20th, under a motion to suspend the rules and pass the bill.

Note: This bill was considered and passed by the House last week under suspension by a vote of 401-1. The bill was considered and passed the Senate by unanimous consent with an amendment ([S.Amdt.1723](#)) from Senator Grassley. Thus, the bill under consideration Tuesday is identical to last week’s bill, except it also includes Senator Grassley’s amendment language adopted by the Senate. The Senate addition is noted below.

Summary: H.R. 3649 extends, until the end of fiscal year 2005, the authority of the Aquatic Resources Trust Fund to transfer funds to the States for boating safety programs. Under current law, this transfer authorization extends only through July 30, 2005, the date of the last highway bill extension. According to the committee, this current law was meant to extend through the end of the fiscal year. “An extension of this authorization through the end of fiscal year 2005 is required to make this designated funding available for these programs for the months of August and September.” The bill also extends, for the same time period, funding for the National Outreach and Communications Program and the Clean Vessel Act.

Additionally, H.R. 3649 increases by \$500,000 (from \$5 million to \$5.5 million), funding for boating safety programs. H.R. 3649 taps into a stream of funding previously created by diverting the \$.45 motor boat fuel tax from the general fund back to transportation programs, and thus the funding is not calculated as an overall increase in government spending.

Senate Amendment: The amendment language would shift approximately \$25 million in FY05 obligation authority to the National Highway Traffic Safety Administration's Operations and Research account. According to the Senate Finance Committee, “This shift is necessary to restore a cut in employee salaries and safety programs caused by section 1102 of SAFETEA:LU. This cut is especially harmful because it came at the end of the fiscal year, leaving the agency very little flexibility to avoid it. These funds are being shifted from grants programs within section 117 of the FY05 Transportation Appropriations bill. This action will not impact member projects (including high priority projects and projects of regional and national significance) in SAFETEA:LU. Without this adjustment, NHTSA would be required to shift funding from critical safety programs to avoid furloughing federal employees.”

Notwithstanding section 1102(c)(4)(A) of Public Law 109-59; 119 Stat. 1144, et seq., or any other provision of law, for fiscal year 2005, obligation authority for funds made available under title I of division H of Public Law 108-447; 118 Stat. 3216 for expenses necessary to discharge the functions of the Secretary of Transportation with respect to traffic and highway safety under chapter 301 of title 49, United States Code, and part C of subtitle VI of title 49, United States Code, shall be made available in an amount equal to the funds provided therein: *Provided*, That the additional obligation authority needed to meet the requirements of this section shall be withdrawn from the obligation authority previously distributed to the other programs, projects, and activities funded by the amount deducted under section 117 of title I of division H of Public Law 108-447.

Committee Action: H.R. 3649 was introduced to the House on September 6, 2005, and referred to the Committees on Transportation and Infrastructure, Ways and Means, and Resources, all of which took no official action. As noted above, the bill (minus the Senate amendment language) passed the House last week by a vote of 401-1.

Cost to Taxpayers: There is no CBO cost estimate available for H.R. 3649. According to the Budget Committee, H.R. 3649 “does not appear to affect the net level of direct spending – spending not subject to appropriations – or revenue.”

Does the Bill Create New Federal Programs or Rules?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

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H.R. 409 — Sierra National Forest Land Exchange Act of 2005 —*as introduced* (Radanovich)

Order of Business: The bill is scheduled for consideration on Tuesday, September 20, 2005, under a motion to suspend the rules and pass the bill.

Summary: H.R. 409 would authorize the Secretary of Agriculture to exchange 160 acres of federal land for 80 acres of private land in Mt. Diablo Meridian California. The private land owner must also pay the government \$50,000, and the Secretary must deposit the money into a fund which allows him to acquire lands and interest in lands in the National Forrest Service in California, without further appropriation from Congress. The conveyance of the federal land shall be subject to valid existing rights and under such terms and conditions as the Secretary may prescribe and the land to be acquired by the federal government shall be governed as part of the National Forest Service Land. H.R. 409 deems that the value of the non-federal land is \$200,000 and the value of the federal land is \$250,000.

In addition, the federal land conveyance requires that the recipient of the federal land (the private owner who is trading his land), convey all 160 acres of the federal land to the Sequoia Council of the Boy Scouts of America within four months of receiving the federal land.

The bill also authorizes the granting of an easement to the owner of Project No. 67, a hydroelectric project on the federal portion of the land to be exchanged. Under the bill, the owner is granted the right to enter, occupy, and use for hydroelectric power purposes the land within the licensed boundary of his project. If the Boy Scouts Council wanted to sell, transfer, or otherwise convey the land it receives, the original landowner is given the right of first offer to obtain the land, and must notify and offer to convey to the easement owner the same conditions offered by the federal easement.

Committee Action: H.R. 409 was introduced in the House on January 26, 2005, and referred to the House Committee on Resources, which took no official action.

Cost to Taxpayers: A CBO cost estimate is not available, though because the bill requires the private landowner to pay the government \$50,000 for the exchange and “all direct costs associated with processing the land exchange,” and because the land to be

exchanged will result in fewer acres of federal property to manage, it is possible the bill will decrease federal spending.

Does the Bill Expand the Size and Scope of the Federal Government?: No, the bill decreases by approximately 80 acres the land holdings of the United States government.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: A committee report citing constitutional authority is unavailable. House Rule XIII, Section 3(d)(1), requires that all committee reports contain “a statement citing the *specific* powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.” [*emphasis added*]

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S. 1340 — A bill to amend the Pittman-Robertson Wildlife Restoration Act to extend the date after which surplus funds in the wildlife restoration fund become available for apportionment (Sen. Inhofe)

Order of Business: The bill is scheduled for consideration on Tuesday, September 20, 2005, under a motion to suspend the rules and pass the bill.

Summary: S. 1340 would extend through fiscal year 2016 (currently 2006) the authority to use certain amounts in the federal aid to wildlife restoration fund (known as the P-R fund) for waterfowl conservation grants carried out under the North American Wetlands Conservation Act (NAWCA). According to CBO, “under the Pittman-Robertson Wildlife Restoration Act (Pittman-Robertson Act), excise taxes collected on certain hunting equipment are deposited into the P-R fund and are available without further appropriation for grants to states. The Pittman-Robertson Act requires that interest earned through fiscal year 2005 on balances in that fund be used to finance waterfowl conservation projects authorized under NAWCA. After 2005, such earnings will become available for *wildlife* conservation grants under the Pittman-Robertson Act. S. 1340 would make them available, instead, for *waterfowl* conservation grants.” (*Emphasis added*)

Committee Action: S. 1340 was introduced in the Senate on June 30, 2005, and passed by the Senate by unanimous consent on September 9, 2005. The bill was referred to the House and held at the desk.

Cost to Taxpayers: CBO estimates that “enacting S. 1340 would have no effect on the federal budget because the amounts that the bill would make available for NAWCA grants (estimated to be between \$10 million and \$30 million annually over the next 10 years) will be spent for other grant programs in the absence of this legislation.”

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

House Rule XIII, Section 3(d)(1), requires that all committee reports contain “a statement citing the *specific* powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.” *[emphasis added]*

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H.R. 394 — To direct the Secretary of the Interior to conduct a boundary study to evaluate the significance of the Colonel James Barrett Farm in the Commonwealth of Massachusetts and the suitability and feasibility of its inclusion in the National Park System as part of the Minute Man National Historical Park, and for other purposes (*Meehan*)

Order of Business: The bill is scheduled for consideration on Tuesday, September 20, 2005, under a motion to suspend the rules and pass the bill.

Summary: H.R. 394 directs the Secretary of the Interior to create a new study, within two years of enactment, the suitability and feasibility of adding the Colonel James Barrett Farm to the Minute Man National Historical Park in Massachusetts. The proposed study should consider the significance of Barrett’s Farm during the Revolutionary War, “opportunities for public enjoyment, and other operational and management issues.”

Additional Information: According to the Committee report, “a local conservation organization, Save our Heritage, is leading the effort for the preservation of Barrett's Farm. It has privately financed the purchase of 3.45 acres around the perimeter of the site, and is attempting to raise funds to purchase the property's farmhouse.” Upon completion of the study, the Secretary is direct to provide a report on the finds to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives. The Committee does not explain if, or why, the federal government would need to purchase the farm itself.

Committee Action: H.R. 394 was introduced on January 26, 2005, and referred to the House Committee on Resources’ Subcommittee on National Parks. The bill was considered and a mark-up session was held on May 18, 2005. The bill was reported to the House by unanimous consent on June 16, 2005 (H. Rept. [109-135](#)).

Cost to Taxpayers: CBO estimates that, “based on information from the National Park Service, the proposed study would cost less than \$100,000 over the 2006-2007 period, assuming appropriation of the necessary amounts. Enacting H.R. 394 would not affect direct spending or revenues.”

Does the Bill Expand the Size and Scope of the Federal Government?: The bill will study a site for addition to federal lands, which if added would increase the size of the government.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: The Committee Report, H. Rept. [109-135](#), cites constitutional authority for this legislation in Article I, Section 8 (powers of Congress), and Article IV, Section 3 (property of the U.S.) of the Constitution, but fails to cite a specific Clause.

House Rule XIII, Section 3(d)(1), requires that all committee reports contain “a statement citing the *specific* powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.” *[emphasis added]*

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H.Res.441 — To congratulate the National Aeronautics and Space Administration and the Discovery crew of Commander Eileen Collins, Pilot Jim Kelly, Mission Specialist Charlie Camarda, Mission Specialist Wendy Lawrence, Mission Specialist Soichi Noguchi, Mission Specialist Steve Robinson, and Mission Specialist Andy Thomas on the successful completion of their 14 day test flight to the International Space Station for the first step of the Vision for Space Exploration, begun from the Kennedy Space Center, Florida, on July 26, 2005, and completed at Edwards Air Force Base, California, on August 9, 2005. This historical mission represented a great step forward into the new beginning of the Second Space Age (*Calvert*)

Order of Business: The resolution is scheduled for consideration on Tuesday, September 20, 2005, under a motion to suspend the rules and pass the bill.

Summary: H.Res. 441 states that it is resolved “That the House of Representatives:

- “commends the entire National Aeronautics and Space Administration team and community, who provided invaluable technical support and leadership for the historic mission of Space Shuttle Discovery STS flight 114;
- “commends Commander Eileen Collins, for being the first female space shuttle commander and a role model for all;

- “commends Col. Jim Kelly, pilot of STS 114, for his second flight aboard the Space Shuttle and his participation in robotic arm operations;
- “commends Charlie Camarda, mission specialist, a ‘rookie’ who performed like a veteran by transferring the multipurpose logistics module from the International Space Station to the Space Shuttle;
- “commends Wendy Lawrence, mission specialist, for outstanding skill in operating Canadarm2;
- “commends Soichi Noguchi of Japan, mission specialist, a ‘rookie’ who was a ‘spacewalker’ for the inspections and repairs of the Space Shuttle;
- “commends Steve Robinson, mission specialist, for his outstanding skill as a ‘spacewalker,’ who enhanced and repaired Discovery and the International Space Station; and
- “commends Andy Thomas, mission specialist, who performed the laser checks on the leading edge of the Space Shuttle by the operation of Canadarm2.”

Committee Action: H.Res. 441 was introduced on September 14, 2005, and referred to the House Science Committee, which took no official action.

Cost to Taxpayers: The resolution has no cost.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

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H.Res. 450 — Recognizing Space Shuttle Commander Eileen Collins, Mission Specialist Wendy Lawrence, and the contributions of all other women who have worked with NASA following the successful mission of Space Shuttle Discovery on STS — *as introduced (Maloney)*

Order of Business: The resolution is scheduled for consideration on Tuesday, September 20, 2005, under a motion to suspend the rules and pass the bill.

Summary: H.Res. 450 states that it is resolved “That the House of Representatives:

- “recognizes Space Shuttle Commander Eileen Collins, Mission Specialist Wendy Lawrence, and the contributions of all other women who have worked with the National Aeronautics and Space Administration following the successful mission of the Space Shuttle Discovery on STS–114; and

- “celebrates the many achievements of women in the National Aeronautics and Space Administration and congratulates Commander Collins and the rest of crew.”

Additional Information: NASA was created in 1958 under President Eisenhower. According to the resolution’s findings, “women have worked since the 1960’s for the right to play a vital role in NASA’s missions in outer space [and] after more than twenty years of waiting, the first American woman, Sally Ride, flew in outer space in 1983 aboard the Space Shuttle Challenger.” In 1984, Kathryn Sullivan became the first American woman to perform a space walk aboard the Space Shuttle Challenger and in 1986, Christa McAuliffe, who was to be the first teacher and civilian in space after being selected from 11,000 applicants, and Mission Specialist Judith Reznick, were killed aboard the space shuttle Challenger just 73 seconds after lift-off. In 1992, Mae Jemison became the first African-American woman to fly in outer space aboard the Space Shuttle Endeavor. Shannon Lucid previously held the United States record for the amount of time spent living and working in space on a single mission aboard the Russian Mir space-station for over six months in 1996, and in 1999, Eileen Collins became the first woman to command a space mission aboard Space Shuttle Columbia. In 2003, Mission Specialists Kalpana Chawla and Laurel Clark were killed aboard the Space Shuttle Columbia on reentry. The resolution also lists a number of women involved in the NASA program.

Committee Action: H.Res. 450 was introduced on September 19, 2005, and referred to the House Science Committee, which took no official action.

Cost to Taxpayers: The resolution has no cost.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

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